

Agenda Committee on Court Forms

Administrative Office of the Courts / Scott M. Matheson Courthouse
450 South State Street

April 13, 2020 / 12:00 to 2:00 p.m.
Virtual Meeting

1. Welcome and approval of March meeting minutes	Randy Dryer
2. COVID update	Brent Johnson Clayson Quigley Nathanael Player
3. Petition to modify parent-time <ul style="list-style-type: none"> • Petition and stipulation to modify parent-time • Findings of fact and conclusions of law on petition to modify • Order on petition to modify 	Nathanael Player
4. Minor name change petition and order Changing "mother" and "father" to "parent," as highlighted. This is an interim change . We will revise all minor name change forms at a future meeting.	Nathanael Player
5. Preferred pronouns Discussion; form is provided as an example and a discussion starting point	Nathanael Player Stewart Ralphs
6. Expungement (dismissal or acquittal) <ul style="list-style-type: none"> • Petition to expunge records (dismissal or acquittal) • Order on petition to expunge records (dismissal or acquittal) Proposed changes highlighted in yellow. These are legislative changes made in response to HB 83. Please do not review the entire form – just the proposed changes.	Jessica Van Buren
7. Civil stalking injunction <ul style="list-style-type: none"> • Request for civil stalking injunction • Ex parte civil stalking injunction • Civil stalking injunction Proposed changes highlighted in yellow. These are legislative changes made in response to HB 403. Please do not review the entire form – just the proposed changes. HB 403 can be found here: https://le.utah.gov/~2020/bills/static/HB0403.html	Nathanael Player
8. Adjourn	Randy Dryer

Meeting Dates

May 11
June 8

July 13
August 10

September 14
October 5 or 19

November 9
December 14

I. WELCOME, ANNOUNCEMENTS AND APPROVAL OF MINUTES:

Randy Dryer welcomed the committee members to the meeting. The Committee considered the minutes from the February 10 meeting. No revision was made to the minutes. Comm. Minas moved to approve the full minutes. Nathanael Player seconded the motion. The motion unanimously passed.

II. PATRON MODIFICATION OF COURT-APPROVED FORMS:

Guy Galli recently was made aware that pro se parties and attorneys are making changes to court-approved forms. Court clerks and judges are noticing the changes and are unsure whether the forms should be accepted. Many of these forms are in a Word format and can easily be modified when uploaded. OCAP forms are in a PDF format that prevents modification. Not providing court forms in Word makes them less accessible. If a person is determined to alter a court-approved form, they will do so. The committee discussed that Attorneys and LPP's should be notifying the court prior to a hearing if they make modification to a form. Judge Taylor recommended that a notice be placed on the form to indicate that any modification of a court-approved form may be a contemptable offense. Mr. Dryer recommended the formation of a small subcommittee to review and discuss appropriate language to be included on the form. The subcommittee will provide an update to the committee at a future hearing.

No motion was taken on this matter. Nathanael Player, Clayson Quigley and Judge Taylor agreed to participate in the subcommittee and will report any recommendations at a future meeting.

III. CANNABIS CONVICTION EXPUNGEMENT PETITION AND ORDER :

A new bill addressing expungement of cannabis conviction passed during the 2020 legislative session and is immediately effective.

Petition:

Mr. Player spoke with Jacob Smith, Salt Lake County Expungement Navigator. Mr. Smith provided Mr. Player with some suggested changes to the Petition and Order. Mr. Johnson noted that the Petition should be marked as a private record as the form asks for personal medical information.

The committee discussed and made changes to the form.

With no further discussion, Ms. Westby moved to approve the Petition with the recommended changes. Mr. Player seconded the motion. The committee unanimously approved the motion.

Order:

The committee discussed and made similar changes to the Order as in the Petition. The committee noted that in some cases the prosecutor is the one that will serve notice to the parties when the Order is filed. Mr. Johnson noted that the committee might need to check with the Bureau of Criminal Investigation (BCI) to ensure they will accept the court's form as modified.

With no further discussion, Mr. Player moved to approve the Order with the recommended changes. Mr. Ralphs seconded the motion. The committee unanimously approved the motion.

IV. REVISING THE JUVENILE COURT’S DECLARATION OF FINANCIAL STATUS TO MAKE IT SHORTER:

The Forms Committee approved this form in September 2019. The currently approved form is 3 pages long. The Board of Juvenile Court Judges wants the form to be one page long.

Judge Lindsley states that the Board expressed concerns that the longer form could cause confusion for patrons to fill out. Some districts are using different financial declaration forms from what has been approved because they believe it is easier to fill out. The Board would also like a place on the form that would allow someone to consent to be served by email.

Mr. Player noted two reasons why it is challenging to get this form down to one page: 1) the style guide requirements. The only way we can get the form down to fewer pages is deviate from the style guide approved by this committee, meaning this form would not be consistent with other court-approved forms, and 2) the forms have not been user tested to determine accurate usability. It would be good to have user input about where the problem areas are with the form, if any. Mr. Player would like to conduct user testing to see what challenges or difficulties people have in filing out the form. Jessica Van Buren noted that this form could benefit from user testing as a means to provide the Board with the results from those tests.

Judge Taylor recommends that the committee invite a member from the Board of Juvenile Court Judges come to a future meeting to discuss the concerns of the Board regarding this form. Mr. Dryer recommends having the Board provide a written explanation of their concerns to this committee for review prior to the discussion. The explanation can be sent to Minhvan for distribution to the committee for review. Brent Johnson recommends that any requests for modification of forms approved by the Judicial Council go through the Council, rather than directly through the committee.

Judge Lindsley will speak with the Board and invite them to submit a written explanation of their concerns and requests to the committee for review. No motion was taken on this matter. This discussion will be tabled over for further discussion at a future meeting.

V. SMALL CLAIMS – NOTICE OF APPEAL:

The notice of appeal was held over for continued discussion from last month’s meeting. The committee reviewed the form and made minor changes. The committee created a new item 1 that read as:

“1. The justice court issued the final judgment on _____ (date).”

The committee also recommended including citation of rule 12 of the Utah Rules of Small Claims Procedure on the form.

With no further discussion, Mr. Player moved to approve the form as modified and accept the changes as recommended by the committee. Stewart Ralphs seconded the motion. The committee unanimously approved the motion.

VI. REQUEST TO JOIN CHILD SUPPORT DIVISION:

The committee recommended changing the title of the form to:

“Request to Join the Office of Recovery Services (ORS).”

With no further discussion, Mr. Player moved to approve the form with the recommended title change. Mr. Ralphs seconded the motion. The committee unanimously approved the motion.

VII. EDITS TO ALREADY-APPROVED PETITION AND STIPULATION TO MODIFY CUSTODY AND ORDER ON PETITION:

Petition:

The committee discussed and made the following edits to the Petition:

Paragraph 14 – a check box was added to include relocation, Utah Code 30-3-37

Paragraph 16 and 17 – made as new paragraphs, includes citation to relocation statute, Utah Code 30-3-37(12).

Paragraph 20 – this section has been included in the Order, paragraph 7.

With no further discussions or additional changes, Mr. Player moved to approve the form as recommended modified. Mr. Ralphs seconded the motion. The committee unanimously approved the motion.

Order:

The committee discussed and made the following edits to the Order:

Edited to match changes that were made to the Petition.

New paragraph 7 – include same language on relocation of parent from paragraph 20 of the Petition.

The committee discussed that the first two options in paragraph 20 may encourage one parent to cite a quick remedy to the Order from the other parent. Mr. Ralphs states that he supports including the same option in the Petition as listed in the Order. Judge Taylor recommends that the first item in paragraph 20 be removed, as this is not needed in the Order.

Following further discussion, the committee was unable to come to a consensus as to recommended changes to the form. Due to the lack of time, and the need for further discussion on the subject matter, Commissioner Minas recommends this item to be tabled to a future meeting. Mr. Dryer asked for a vote from committee members to determine if the item should be table or moved to approve. Four members voted to table, five members voted to move forward. Judge Taylor motioned to have corresponding identical orders and continue discussion at a future meeting. No second was made to the motion. No vote was cast on the motion.

VIII. PETITION TO MODIFY PARENT-TIME:

Due to lack of time, this item will be reviewed at a future meeting.

IX. MINOR NAME CHANGE PETITION AND ORDER:

Due to lack of time, this item will be reviewed at a future meeting.

X. PREFERRED PRONOUNS:

Due to lack of time, this item will be reviewed at a future meeting.

XI. ADJOURN:

With no further items for discussion the meeting adjourned without a motion. The meeting adjourned at 1:56 pm. The next meeting will be April 13, 2020, from noon to 2 pm in the Judicial Council Room.

Forms Status Summary

List of forms approved for LPP use: www.utcourts.gov/forms/lpp/

Approved forms

Form Name	Approved Date	Approved By
Abstract of judgment	May 21, 2018	Judicial Council
Acceptance of service	January 22, 2018	Judicial Council
Adult adoption	September 19, 2017	Forms Committee
Affidavit with exhibit(s)	May 21, 2018	Judicial Council
Answer	December 18, 2017	Judicial Council
Application for temporary restraining order and Order on application for temporary restraining order	April 22, 2019	Judicial Council
Certificate of service	January 22, 2018	Judicial Council
Certification of readiness for trial	July 18, 2019	Judicial Council
Certification of readiness for trial – probate case	February 10, 2020	Forms Committee
Child support worksheets <ul style="list-style-type: none"> • Joint Physical Custody Worksheet and Instructions • Sole Custody Worksheet and Instructions • Split Custody Worksheet and Instructions • Children in the Father's Home Worksheet and Instructions • Children in the Mother's Home Worksheet and Instructions 	November 25, 2019	Judicial Council
Conditionally approved interpreter appointment order	June 19, 2018	Forms Committee
Consent to email service	January 22, 2018	Judicial Council
Counter motion	May 21, 2018	Judicial Council
Counterclaim	December 18, 2017	Judicial Council
Debt collection answer	December 18, 2017	Judicial Council
Declaration of financial status	September 9, 2019	Forms Committee
Declaration of inmate filing	November 13, 2017	Forms Committee
Declaration of jurisdiction and grounds for divorce	July 18, 2019	Judicial Council
Declaration of other parent's earnings	January 27, 2020	Judicial Council
Default judgment <ul style="list-style-type: none"> • Default certificate • Motion for default judgment • Military service declaration 	November 25, 2019 January 27, 2020	Judicial Council

<ul style="list-style-type: none"> • Military service order • Notice of Judgment 	(notice of judgment)	
Domestic relations injunction	April 22, 2019	Judicial Council
Eviction forms used in OCAP <ul style="list-style-type: none"> • Three day notice to pay or to vacate • Three day notice to comply with lease or vacate • Three day notice to vacate for criminal nuisance • Three day notice to vacate for nuisance • Three day notice to vacate for assigning or subletting contrary to rental contract • Three day notice to vacate for committing waste on premises • Three day notice to vacate for engaging in unlawful business on or in the premises • Three day notice to vacate for lease violation which cannot be brought into compliance • Three day notice to vacate for committing criminal act on the premises • Fifteen day notice to vacate • Five day notice to a tenant at will • Complaint • Order of Restitution • Affidavit of Damages • Judgment for Plaintiff for Unlawful Detainer • Judgment for Defendant for Unlawful Detainer • Request for Hearing on Enforcement of Order of Restitution • Tenant Answer and Counterclaim • Motion to Set Amount of Counter Bond • Notice of Possession Bond • Order setting amount of possession bond • Request for Possession Bond hearing • Tenant Counter Bond Property • Order Setting Amount of Counterbond • Motion to Release Possession Bond • Order to Release Possession Bond 	December 18, 2017	Judicial Council
Eviction forms used in OCAP (additional) <ul style="list-style-type: none"> • Request for occupancy hearing • Notice of occupancy hearing • Ex parte motion for order of restitution 	January 28, 2019	Judicial Council
Exhibit summary	May 21, 2018	Judicial Council
Fee waiver – district and justice court <ul style="list-style-type: none"> • Motion to waive fees and statement supporting 	June 24, 2019	Judicial Council

<ul style="list-style-type: none"> • motion • Order on motion to waive fees • Order on motion to waive fees (inmates) • Memorandum 		
Financial declaration Certificate of service of financial declaration	February 25, 2019	Judicial Council
Income verification and compliance with child support guidelines	July 18, 2019	Judicial Council
Informal probate	July 17, 2017	Forms Committee
Initial disclosures	May 21, 2018	Judicial Council
Judgment information statement	May 21, 2018	Judicial Council
Military parenting plan	January 28, 2019	Judicial Council
Memorandum opposing motion	April 16, 2018	Judicial Council
Motion for alternative service	February 26, 2018	Judicial Council
Motion for genetic testing	December 17, 2018	Judicial Council
Motion for leave to amend	July 18, 2019	Judicial Council
Motion for summary judgment to declare non-parentage after genetic testing Order granting motion for summary judgment on non-parentage	January 28, 2019	Judicial Council
Motion for temporary orders (domestic)	December 18, 2017	Judicial Council
Motion for temporary orders due to deployment (domestic)	January 28, 2019	Judicial Council
Motion forms	April 16, 2018	Judicial Council
Motion – juvenile court	August 13, 2018	Forms Committee
<ul style="list-style-type: none"> • Motion to adjust child support • Motion or stipulated motion to modify child support • Order on motion to modify child support 	January 27, 2020	Judicial Council
Motion to appear remotely	June 11, 2018	Judicial Council
Motion to appoint parent coordinator	August 17, 2018	Judicial Council
Motion to change venue	June 11, 2018	Judicial Council
Motion to continue	June 11, 2018	Judicial Council
Motion to correct clerical mistake	December 18, 2017	Judicial Council
Motion to decide divorce and reserve other issues (bifurcate divorce)	February 25, 2019	Judicial Council
Motion to declare judgment satisfied	May 21, 2018	Judicial Council
Motion to delay enforcement of judgment and	June 24, 2019	Judicial Council

order on motion		
Motion to excuse mediation	April 16, 2018	Judicial Council
Motion to remove link between personal identifying information and dismissed criminal case	June 11, 2018	Forms Committee
Motion to renew judgment	May 21, 2018	Judicial Council
Motion to set aside default or judgment	June 24, 2019	Judicial Council
Motion to vacate dismissal and reinstate case	June 11, 2018	Judicial Council
Motion to waive divorce education requirement	April 16, 2018	Judicial Council
Motion to waive divorce waiting period	August 17, 2018	Judicial Council
Nonpublic information: parent, minor and safeguarded address	April 16, 2018	Judicial Council
Notice of appearance or appointment of counsel	May 21, 2018	Judicial Council
Notice of disclosure requirements in domestic cases	February 25, 2019	Judicial Council
Notice of dismissal / Motion to voluntarily dismiss case	August 17, 2018	Judicial Council
Notice of divorce education requirement	April 16, 2018	Judicial Council
Notice of hearing (motion)	April 16, 2018	Judicial Council
Notice of relocation and Motion for orders regarding relocation	June 11, 2018	Judicial Council
Notice of withdrawal of counsel	May 21, 2018	Judicial Council
Notice to appear personally or to appoint counsel	May 21, 2018	Judicial Council
Notice to defendant of disclosure in unlawful detainer actions	February 25, 2019	Judicial Council
Objection to commissioner's recommendation	December 18, 2017	Judicial Council
Objection to form of order	December 18, 2017	Judicial Council
Objection to minor guardianship or conservatorship	February 10, 2020	Forms Committee
OCAP clauses – divorce and custody cases	May 20, 2019	Judicial Council
OCAP clauses – temporary separation	February 24, 2020	Judicial Council
Order on motion for inquiry into competency (juvenile court)	August 12, 2019	Forms Committee
Order on request to excuse respondent from hearing (guardianship)	December 10, 2018	Forms Committee
Parenting plan	May 21, 2018	Judicial Council
Petition for authorization to marry and Order on petition for authorization to marry (juvenile court)	November 25, 2019	Judicial Council

Petition for essential treatment	October 17, 2017	Forms Committee
Petition to modify child support <ul style="list-style-type: none"> • Petition and stipulation to modify child support • Findings of fact and conclusions of law on petition to modify child support • Order on petition to modify child support 	January 27, 2020	Judicial Council
Petition to modify child support, child custody, and parent-time <ul style="list-style-type: none"> • Petition and stipulation to modify child support, child custody, and parent-time • Findings of fact and conclusions of law on petition to modify child support, child custody, and parent-time • Order on petition to modify child support, child custody, and parent-time • Notice of modification 	December 16, 2019 January 27, 2020 (notice of modification)	Judicial Council
Proof of service	February 26, 2018	Judicial Council
Reply memorandum supporting motion	April 16, 2018	Judicial Council
Registering foreign order <ul style="list-style-type: none"> • Request to register foreign child custody, parent-time, support or income withholding order • Notice of registration of foreign order • Request for hearing on request to register foreign order • Order on confirmation of foreign order • Notice of confirmation of foreign order 	September 10, 2019 (request) January 27, 2020 (all other forms)	Judicial Council
Request to submit – probate case	February 10, 2020	Forms Committee
Request to submit (motion)	April 16, 2018	Judicial Council
Request to submit (motion) – juvenile court	August 13, 2018	Forms Committee
Sexual violence protective order <ul style="list-style-type: none"> • Request • Temporary order • Order 	May 13, 2019	Forms Committee
Sexual violence protective order <ul style="list-style-type: none"> • Request to extend sexual violence protective order • Order granting request to extend sexual violence protective order • Order denying request to extend sexual violence protective order 	December 9, 2019	Forms Committee
Statement supporting motion	April 16, 2018	Judicial Council
Stipulated motion	April 16, 2018	Judicial Council

Stipulation of voluntary dismissal	December 17, 2018	Judicial Council
Stipulation to enter order (motion)	April 16, 2018	Judicial Council
Substitution of counsel	May 21, 2018	Judicial Council
Summons	January 22, 2018	Judicial Council
Supplemental proceedings	April 16, 2018	Judicial Council
Trial issues	July 18, 2019	Judicial Council
Trial issues – domestic cases		
Writ of assistance to remove children	April 22, 2019	Judicial Council
Writ of execution packet	May 21, 2018	Judicial Council
Writ of garnishment packet	May 21, 2018	Judicial Council

Pending Judicial Council Consideration

- Small claims
 - Complaint
 - Summons and notice of hearing
 - Counter complaint and notice to plaintiff
 - Judgment
 - Notice of appeal
- Request to join child support division

Pending Forms Committee Consideration

- Settlement agreement – debt collection (representatives from LPP and ODR committees invited to meeting)
- Settlement agreement – eviction

Referred to Management Committee

- Subpoena forms
 - Subpoena
 - Notice to persons served with a subpoena
 - Objection to subpoena
 - Declaration of compliance with subpoena
 - Application for subpoena under the Utah Uniform Interstate Depositions and Discovery Act
 - Notice of deposition and request for subpoena in case pending out of state

Pending Stylistics Subcommittee Consideration

- Motion for order to show cause – domestic cases
- Minor name change

- Adult protective orders
- Motion to waive fees – appellate and juvenile
- Petition to register administrative support order
- Divorce answer (including affirmative defenses)
- Cover sheets – district, probate, and juvenile court
- Petition for order of adjudication of paternity (not custody or support)
- Adult name change
- Voluntary relinquishment of parental rights
- Annulment

Pending Family Law Subcommittee Consideration

- Child protective orders
- Temporary delegation of parental authority
- Judicial recognition of relationship as marriage packet
- Petition for order establishing fact of birth

Queue

- Name change - minors
- Step-parent adoption packet
- Open adoption record
- Emancipation of a minor
- Guardianship of a minor
- Guardianship of an adult
- Conservatorship of a minor
- Conservatorship of an adult
- Petition for registration of adoption order from foreign country
- Motion to intervene in an adoption case
- Order assigning court visitor to report on the guardian's and protected person's whereabouts
- Order assigning court visitor to report on an audit of court records
- Motion to intervene in adoption case
- Statement of defendant in support of guilty plea (English and Spanish)
- Defendant's motion to release bail
- Motion to classify record and names as private (eviction)

Other

- Declaration supporting default judgment for use in all debt collection cases – Judge Lawrence to continue working with debt collection bar.

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am Petitioner Respondent
 Petitioner's Attorney Respondent's Attorney (Utah Bar #: _____)
 Petitioner's Licensed Paralegal Practitioner
 Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Petition to Modify Parent-time (Utah Rule of Civil Procedure 106)</p> <p><input type="checkbox"/> and Stipulation</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
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I ask the court to modify the parent-time orders as follows.

1. **Controlling order**

The order controlling parent-time is:

Title of order:			
Name of Court:		State	

Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	

2. **Controlling parent-time order**

(Required.)

I have attached a copy of the current order.

3. **Jurisdiction (Authority to Modify Order)**

(Note: an order could be registered in another state, but that does not always mean the other state has jurisdiction to modify or change the order.)

The children reside:

Child's name	Where child resides (state or country)	Lived there more than 6 months?
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No
		<input type="checkbox"/> Yes <input type="checkbox"/> No

The petitioner resides in: _____ (state or country).

The respondent resides in: _____ (state or country).

The controlling order was issued by (Choose one.):

a Utah court, and
(Choose all that apply.)

jurisdiction **has never** been transferred to another state.

That court has always maintained the case

No other court has ever expressed a willingness to change the order

Jurisdiction has always remained with this court.

jurisdiction **has** been transferred to another state.

Name of court: _____ Date transferred: _____

other (Describe what has happened with the order):

OR

a non-Utah court, and
(Choose all that apply.)

jurisdiction **has never** been transferred to Utah.

jurisdiction **has** been transferred to Utah. Date: _____.

the order **has** been registered in Utah for enforcement purposes only.

there is substantial evidence in Utah about the children's care,
protection, training, and personal relationships.

other courts have made a decision about jurisdiction and a copy of that
order is attached to this petition.

other (Describe what has happened with the order):

4. Relationship to children

I am the (Choose all that apply.):

person who pays child support.

person who receives child support.

I am

the mother of

the father of

the legal guardian or legal custodian of

a person who has been acting as a parent (Utah Code 30-5a-103) to
the children listed below.

5. Minor children

There are _____ (number) minor children included in the controlling order.

Child's name (first, middle and last)	Child's gender	Month and year of birth
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Child's name (first, middle and last)	Child's gender	Month and year of birth

6. Current living arrangement

The children are currently living (Choose one.):

as stated in the controlling order.

as described below:

Child's name	Address (street, city, state, ZIP)	Name(s) of person(s) who live with child at this address	Relation- ship(s) to child

7. Minor children's residence (Utah Code 78B-13-209)

The minor children have lived at the following addresses with the persons listed for the past five years:

(Add additional pages if needed.)

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relation- ship(s) to child

Child's name	Address (street, city, state, ZIP)	Dates child lived at this address	Name(s) of person(s) who lived with child at this address	Relationship(s) to child

8. **People claiming custody or parent-time** (Utah Code 78B-13-209)

The following people other than petitioner and respondent claim a right to custody or parent-time with the children:

Name of Person	Current Address	Claims
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time
		<input type="checkbox"/> Custody <input type="checkbox"/> Parent-time

9. **Other cases** (Utah Rule of Civil Procedure 100)

There are no other cases that involve(d) the children or this case.

The following cases involve(d) the children or this case:

(Include pending or closed, civil or criminal, in this court or in any other court, in this state or in any other state. Each party has a continuing duty to notify the court of any case (past, current, or future) that could affect this case.)

Court (Name, address, and phone number)			
Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

Court (Name, address, and phone number)			
Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights

	<input type="checkbox"/> enforcement of an order	<input type="checkbox"/> order <input type="checkbox"/> parentage	<input type="checkbox"/> other: _____
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Court (Name, address, and phone number)			
Case number			
Type of case (Choose all that apply.)	<input type="checkbox"/> adoption <input type="checkbox"/> custody <input type="checkbox"/> delinquency <input type="checkbox"/> divorce <input type="checkbox"/> enforcement of an order	<input type="checkbox"/> grandparent visitation <input type="checkbox"/> guardianship <input type="checkbox"/> modification of an order <input type="checkbox"/> parentage	<input type="checkbox"/> protective order <input type="checkbox"/> support <input type="checkbox"/> termination of parental rights <input type="checkbox"/> other: _____

10. **Pre-filing dispute resolution** (Utah Code 30-3-10.4(1)(c))
(Choose one.)

- The other party agrees with the petition.
- Dispute resolution was not required because this petition seeks to modify a court order that does not provide for joint legal custody or joint physical custody.
- Both parents have complied in good faith with the dispute resolution process but we did not reach an agreement.
- The parties have not yet used a dispute resolution process.

11. **Controlling parent-time order**

The parent-time schedule in the controlling order is (Choose one.):

- according to the attached statutory parent-time schedule.
- described in the attached controlling Parenting Plan.
- described as follows in the controlling order (Quote the order exactly.):

12. **Parent-time schedule** (Utah Code 30-3-37)

I ask the court to order parent-time as below (Choose one.):

- Statutory parent-time schedule:
(Choose all that apply. You can find the Utah Code at le.utah.gov/xcode/code.html. Print and attach a copy of the statute(s) for the option(s) you choose.)

- Children under 5 (Utah Code 30-3-35.5)
- Children 5-18 (Utah Code 30-3-35)
- Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)
- Parent-time described in the filed or attached Parenting Plan.
- Other parent-time schedule (Describe in detail.):

13. Parent-time transfers

I ask the court to order transfer (pick-up and drop-off) of the children for parent-time as below (Choose one.):

- Order transfer of the children for parent-time described in the filed or attached Parenting Plan.
- Order transfer at **beginning** of parent-time with
 - petitioner
 - respondent
 - other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

- petitioner
- respondent
- other adult (Name) _____

transferring the children at this address:

- Order curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).
- Other transfer arrangements (Describe in detail.):

Parent-time transportation costs

14. I ask parent-time transportation costs be divided as follows (Choose one):
 Utah Code 30-3-37(12) (You can find the Utah Code at le.utah.gov/xcode/code.html.
Print and attach a copy of the statute.)

Other costs divided as follows (Attach additional pages if needed.):

15. I ask reimbursement of transportation costs be done as follows: (Choose one.)

The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

Other provisions regarding reimbursement as follows (Attach additional pages if needed.):

16. **Communication between parties**

I ask the court to order communication between the parties as described below
(Choose as many options as you want.):

In person

Phone

Petitioner's # _____ Respondent's # _____

Text

Petitioner's # _____ Respondent's # _____

Email

Petitioner's email address _____

Respondent's email address _____

Through a third party

Name _____ Phone # _____

Other method of communication: (Describe in detail.)

Communications between the parties must be civil and respectful and limited to parent-time issues only.

The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone makes negative remarks about the other party.

The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.

The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the minor children if anyone harms or threatens harm to the other parent or minor children.

17. **Travel costs.**

(Check this box and complete this section only if you are asking for a change in travel costs.)

I ask the court to order travel cost payments for parent-time transfers as follows
(Choose one.):

as we agree in the attached Parenting Plan.

as proposed in my attached Parenting Plan.

each party is responsible for their own travel costs.

_____% by the Petitioner and _____% by the Respondent.

The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

Other:

18. **Relocation of a parent**

(Check this box and complete this section only if you are asking for a change in relocation terms.)

I ask the court to order:

If either parent moves more than 149 miles from the other parent, Utah Code 30-3-37 will apply.

Neither parent may relocate with the minor children more than ____ miles from their current residence without a written agreement signed by the parties or further court order.

Other terms about relocating:

19. **Best interest** (Utah Code 30-3-10 and 30-3-10.4)

It is in the best interest of the children to change custody and parent-time because (Explain in detail.):

20. **Attorney fees and costs**

I ask the court to order the other party pay my attorney fees and costs.

21. **Other**

I ask the court for these additional orders:

I ask for these additional orders because:

22. Remainder of order unchanged

The remainder of the order should remain unchanged.

23. Documents

I am filing the following documents along with this Petition to Modify Child Custody, Parent-time and Child Support:

(Check all that apply. Forms can be found at www.utcourts.gov.)

- Cover Sheet
- Summons
- Non-public Information – Parent Information and Location
- Non-public Information – Minors
- Non-public Information – Safeguarded Address (if applicable)

Petitioner or Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Stipulation (optional)

I am the [] petitioner [] respondent and the party responding to this Petition to Modify Parent-time.

1. I have received and read the petition and its supporting documents.
2. I understand what the petition requests.
3. I understand I have the right to contest the petition by filing an answer, and have the court decide the issues.
4. I waive service of the Summons.
5. I agree this court has the authority to decide this matter and I enter my appearance for that purpose.
6. I agree to the requests in the petition.
7. I agree the court may enter an order of modification consistent with the petition at any time and without further notice.

Petitioner or Respondent

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

Attorney or Licensed Paralegal Practitioner of record (if applicable)

Date

Signature ► _____
Printed Name _____

Name

Address

City, State, Zip

Phone

Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Findings of Fact and Conclusions of Law on Petition to Modify Parent-time (Utah Rule of Civil Procedure 106)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	--

The matter before the court is a Petition to Modify Parent-time. This matter is being resolved by: (Choose all that apply.)

- The default of petitioner respondent.
- The stipulation of the parties.
- The pleadings and other papers of the parties.
- A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

was was not present

was represented by _____

was not represented.

Respondent

was was not present

was represented by _____

was not represented.

The court finds:

1. The order controlling parent-time is:

Title of order:			
Name of Court:		State	
Address of Clerk of Court:		Phone Number of Clerk of Court:	
Case Number:		Case Name	
Date Signed:		Signed by Judge:	

2. There are _____ (number) minor children included in the controlling order.

Child's name (first, middle and last)	Child's gender	Month and year of birth

3. Utah does does not have jurisdiction in this case.

4. A material and substantial change in circumstances has has not occurred since the controlling order was entered. The court considered the following factors:

5. Changing parent-time is is not in the best interest of the children.
The court considered the following factors:

6. The parties have have not complied with the pre-filing dispute resolution requirements. (Utah Code 30-3-10.4(1)(c))

The court concludes:

7. The court does does not have jurisdiction.

8. There are are not grounds to modify the controlling order.

9. Other:

Commissioner's or judge's signature may instead appear at the top of the first page of this document.

Date

Signature ►

Commissioner

Date

Signature ►

Judge

Approved as to form.

Certificate of Service

I certify that I filed with the court and am serving a copy of this Findings of Fact and Conclusions of Law on Petition to Modify Parent-time on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date Printed Name _____

 Name

 Address

 City, State, Zip

 Phone

 Email

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Petitioner</p> <p>v.</p> <p>_____ Respondent</p>	<p>Order on Petition to Modify Child Parent-time (Utah Rule of Civil Procedure 106)</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner</p>
---	--

The matter before the court is a Petition to Modify Parent-time. This matter is being resolved by: (Choose all that apply.)

- The default of petitioner respondent.
- The stipulation of the parties.
- The pleadings and other papers of the parties.
- A hearing held on _____ (date), notice of which was served on all parties.

Petitioner

- was was not present
- was represented by _____

was not represented.

Respondent

was was not present

was represented by _____

was not represented.

The court orders:

1. The petition is:

denied.

granted. The controlling order dated _____ (date) is modified as follows.

2. **Parent-time** (Choose one.):

Statutory parent-time schedule:

Children 5-18 (Utah Code 30-3-35)

Children under 5 (Utah Code 30-3-35.5)

Children 5-18 (expanded schedule) (Utah Code 30-3-35.1)

Parent-time described in the filed or attached Parenting Plan.

Other parent-time schedule: (Describe in detail.)

3. **Parent-time transfers** (Choose one.):

Transfer of the children for parent-time described in the filed or attached Parenting Plan.

Transfer at **beginning** of parent-time with

petitioner

respondent

other adult (Name) _____

transferring the children at this address:

and transfer at **end** of parent-time with

petitioner

respondent

other adult (Name) _____

transferring the children at this address:

Curbside transfers (The parent/person picking up or dropping off the children does not leave the vehicle and the other parent/person does not leave the residence).

Other transfer arrangements (Describe in detail.):

Parent-time transportation costs

4. Parent-time transportation costs be divided as follows (Choose one):

Utah Code 30-3-37(12) (You can find the Utah Code at le.utah.gov/xcode/code.html.
Print and attach a copy of the statute.)

Other costs divided as follows (Attach additional pages if needed.):

5. Reimbursement of transportation costs be done as follows: (Choose one.)

The parent who initially pays for reimbursable travel expenses will provide receipts to the other parent within 30 days. The parent who receives travel receipts will pay the other parent within 30 days.

Other provisions regarding reimbursement as follows (Attach additional pages if needed.):

6. **Communication between parties** (Choose all that apply.):

- In person
- Phone
Petitioner's # _____ Respondent's # _____
- Text
Petitioner's # _____ Respondent's # _____
- Email
Petitioner's email address _____
Respondent's email address _____
- Through a third party
Name _____ Phone # _____
- Other method of communication: (Describe in detail.)

- Communications between the parties must be civil and respectful and limited to parent-time issues only.
- The parties must not make negative or harmful remarks about each other in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone makes negative remarks about the other party.
- The parties must not discuss this case in the presence of the minor children, must not allow other people to do so and must remove the minor children if anyone discusses the case in the presence of the minor children.
- The parties must not harm or threaten to harm the other parent or the minor children and must not allow other people to do so and must remove the minor children if anyone harms or threatens harm to the other parent or minor children.

7. **Attorney fees and costs**

Petitioner Respondent must pay \$ _____ in attorney fees and \$ _____ in costs.

8. **Other orders**

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order on Petition to Modify Parent-time on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am Petitioner Petitioner's Attorney

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the matter of the name change of _____ (Minor's name) A minor.	Petition for Minor's Name Change (Utah Code 42-1-1) _____ Case Number _____ Judge
--	---

1. I am asking this Court to change the name of a minor. (A minor is a person who is less than 18 years old.)
2. I ask the Court to change the minor's name to:

First name	_____
Middle name (if any)	_____
Surname	_____

3. My relationship to the minor is:
 mother parent (by birth or through adoption)
 father (by birth or through adoption)

[] other (such as custodian or guardian; court order must be attached):

4. The following information describes the minor:

Name on birth certificate:	
Date of birth:	
Place of birth:	
Minor's current address: *	
Date when minor began living in county where petition is filed: **	
Name of adult who lives with minor, has physical custody, and provides care	
Father's Parents' names:	
Father's Parents' current addresses: (list both addresses if they aren't the same)	
Mother's name:	
Mother's current address:	

* Minor must live in county where petition is filed

** Minor must live in this county for at least one year before the petition is filed.

5. If I am not the minor's legal guardian or custodian, I have attached a copy of the court orders appointing the guardian or custodian. Here is what I know about those orders:

Date signed by judge	Case number	Court name	Copy attached?

6. ~~If I am not the minor's natural or adoptive father, then the father (check the box for the correct paragraph below, and draw a line through the incorrect paragraph):~~

~~has agreed with the proposed name change. The father's original signed consent is attached, or it will be filed before the hearing on this petition.~~

~~has not signed a written consent to the proposed name change. The father will be served a copy of this petition, along with a summons requesting a written response within 21 days if served in Utah (or within 30 days if served outside of Utah).~~

7. ~~If I am not the minor's natural or adoptive mother, then the mother (check the box for the correct paragraph below, and draw a line through the incorrect paragraph):~~

~~has agreed with the proposed name change. The mother's original signed consent is attached, or it will be filed before the hearing on this petition.~~

~~has not signed a written consent to the proposed name change. The mother will be served with a copy of this petition, along with a summons requesting a written response within 21 days if served in Utah (or within 30 days if served outside of Utah).~~

6. I am not the minor's natural or adoptive parent.

_____ (parent's name)

has agreed to the proposed name change.
Their original signed consent is attached, or it will be filed before the hearing on this petition.

has not agreed to the proposed name change.
They will be served a copy of this petition, along with a summons requesting a written response within 21 days if served in Utah (or within 30 days if served outside of Utah).

_____ (other parent's name)

has agreed to the proposed name change.
Their original signed consent is attached, or it will be filed before the hearing on this petition.

has not agreed to the proposed name change.
They will be served a copy of this petition, along with a summons requesting a written response within 21 days if served in Utah (or within 30 days if served outside of Utah).

7. The new name will benefit the minor. Here are the reasons why:

(In the lines below, describe any of the following facts that apply, or others:

- (a) how a name change will develop and preserve the minor's relationship with each parent;
- (b) how long the minor has used the present name or proposed name;
- (c) difficulties embarrassment, or harassment caused by the present name; and
- (d) whether the present name causes insecurity and lack of identity.)

[Check a box below for the correct paragraph 9. Cross out the incorrect paragraph 9, to show it does not apply.]

8. The minor is old enough to make intelligent and decisive choices, and wants to make this name change because:

- The minor is not old enough to make an intelligent and decisive choice about this name change.

9. It is in the minor's best interest to change to the proposed new name.

10. There is no reason why the minor's name should not be changed.

11. Except for this petition, the minor is not presently involved in any legal proceeding.

12. The minor is not on probation or parole.

13. The minor is not on the Child Abuse Offender Registry. (Utah Code 77-43-105(7))

14. The minor is (Choose one.):

- not on the Sex and Kidnap Offender Registry.

- is on the Sex and Kidnap Offender Registry. Changing their name is not against the public interest because (Explain.):

15. I am filing a Certification Regarding Offender Registry completed by the Utah Department of Corrections.
16. I am not changing the minor's name to avoid creditors, or to escape or defraud anyone with a claim against the minor or me.
17. This name change will not affect any right, title, or interest of anyone else, except for the parent, custodian, or guardian named above. Any parent, custodian, or guardian who has not provided a written consent to this name change will be served with this petition pursuant to Rule 4 of the Utah Rules of Civil Procedure, and have an opportunity to participate in these name change proceedings.
18. If it is not possible to serve the other parent, then I will prepare and file the pleadings necessary to ask the Court to waive service

[Note to petitioner: Those pleadings are described in the instructions, and are called (1) Motion to Waive Service (2) Petitioner's Affidavit in Support of Motion to Waive Service, and (3) Order to Waiver Service.]

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____
Printed Name _____

In the District Court of Utah

_____ Judicial District _____ County

Court Address _____

In the matter of the name change of

(Minor's name)

A minor.

Order Changing Minor's Name

Case Number

Judge

1. Petitioner and the minor appeared in Court on: _____ (date).
2. The minor was born on: _____ (date).
3. The minor's birth name was:

First name	
Middle name (if any)	
Surname	

The court finds:

4. (a) All notices required by law have been given.
(b) No objections to the proposed name change were made.
(c) Objections to the proposed name change were made by:

(d) **Written consent to the proposed name change have been filed for the minor's father, mother, custodian, guardian**

(d) **Written consent to the proposed name change has been filed by:**

_____ (name), the minor's parent

_____ (name), the minor's parent

_____ (name), the minor's custodian

_____ (name), the minor's guardian

(e) The allegations in the petition are true.

(f) Other findings (if any):

The court concludes:

5. (a) The requirements of Utah Code Section 42-1-1 through 42-1-3 have been met.
- (b) The minor is not on the Child Abuse Offender Registry and is not barred from changing their name. (Utah Code 77-43-105(7)).
- (c) The minor:
- is not on the Sex and Kidnap Offender Registry.
- is on the Sex and Kidnap Offender Registry, but granting the petition is not against the public interest (Utah Code 77-41-105(8)(a)).
6. The allegations in the petition are sufficient and the petition should be granted.
7. The name change is is not in the best interest of the minor.

The court orders:

8. The Petition is
 granted denied
9. The minor's current legal name of

First name	
Middle name (if any)	
Surname	

is changed to

Certificate of Service

I certify that I filed with the court and am serving a copy of this Order Changing Minor's on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____ Printed Name _____

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am Plaintiff/Petitioner Defendant/Respondent
 Plaintiff/Petitioner's Attorney Defendant/Respondent's Attorney (Utah Bar #: _____)
 Plaintiff/Petitioner's Licensed Paralegal Practitioner
 Defendant/Respondent's Licensed Paralegal Practitioner (Utah Bar #: _____)

In the District Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

<p>_____ Plaintiff/Petitioner</p> <p>v.</p> <p>_____ Defendant/Respondent</p>	<p>Notice of Preferred Pronouns <input type="checkbox"/> She / her <input type="checkbox"/> He / him <input type="checkbox"/> They / them <input type="checkbox"/> Other _____</p> <p>_____ Case Number</p> <p>_____ Judge</p> <p>_____ Commissioner (domestic cases)</p>
---	--

1. I ask the court to use the following pronouns for me:

She / her He / him
 They / them Other _____

Date

Signature ► _____

Printed Name _____

Certificate of Service

I certify that I filed with the court and am serving a copy of this [Document Title] on the following people.

Person's Name	Service Method	Service Address	Service Date
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		
	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.) <input type="checkbox"/> Left at home (With person of suitable age and discretion residing there.)		

_____ Signature ► _____
 Date _____
 Printed Name _____

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

I am the Petitioner
 Attorney for the Petitioner and my Utah Bar number is _____

In the District Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

In Re:

Petitioner

**Petition to Expunge Records
(Dismissal or Acquittal)**

Case Number

Judge

1. **Arrest record.** I was arrested on _____ (date) by _____ (law enforcement agency). The law enforcement agency's file number is _____.

(a) The following court case was filed as a result of the arrest:

_____.

(b) Choose all that apply.

- I was not convicted of the offense.
- At least 30 days have passed since I was arrested.
- I have not been arrested since this arrest.
- One of the following has occurred: (Choose one)

The case was dismissed with prejudice.

The case was dismissed with prejudice because of a plea in abeyance agreement.

The case was dismissed without prejudice or without condition, and: (Choose one)

the prosecutor consented in writing to the issuance of a certificate of eligibility, or

at least 180 days have passed since the day on which the case was dismissed.

I was acquitted at trial.

- 2. **Certificate of eligibility.** The attached certificate of eligibility is offered as proof of my eligibility for expungement of the above case.
- 3. **Public interest.** The following statement explains why expunging the case is not contrary to the public's interests.

- 4. **Request.** I request that the court order expungement of the case identified above and order state, county and local government agencies to expunge related records in their possession or control.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date

Signature ► _____

Printed Name _____

Name

Address

City, State, Zip

Phone

Email

Check your email. You will receive information and documents at this email address.

In the [] District [] Justice Court of Utah

_____ Judicial District _____ County

Court Address _____

In Re:

Petitioner

**Order on Petition to Expunge
Records
(Dismissal or acquittal)**

Case Number

Judge

The matter before the court is a Petition to Expunge Records. This matter is being resolved by:

[] The pleadings and other papers of the parties, or

[] A hearing held on _____ (date), notice of which was served on all parties and at which the court considered the pleadings and evidence presented by the parties.

Having considered the documents filed with the court, the evidence, and the arguments, and now being fully informed,

The Court Finds by Clear and Convincing Evidence:

1. The petition and certificate of eligibility are sufficient.
2. The statutory requirements have been met.

3. The expungement petition is for a case that was dismissed without prejudice or without condition; the prosecutor has consented to expungement; and the prosecutor has indicated that they have not filed and do not intend to file related charges.

The court received an objection. The expungement petition is for a charge dismissed because of a plea in abeyance agreement, and the charge is eligible for enhancement, but there is good cause for the court to grant the expungement.

4. Expunging the petitioner's records is not contrary to the interests of the public.

The Court Concludes:

5. The records of petitioner's arrest, investigation, detention and conviction relating to court case number _____ should be expunged.

The Court Orders:

6. The records of petitioner's arrest, investigation, detention and conviction relating to court case number _____ shall be expunged.

- Petitioner shall deliver a copy of this order to any government agency or official that may have such records.
- The Bureau of Criminal Identification shall provide to the petitioner written directions on expungement, along with a list of agencies known to be affected by this order.
- The clerk of the court shall expunge all related court records as provided by Rule 4-205.
- Any other government agency or official receiving this order shall expunge related records as provided by § 77-40-102 and § 77-40-108.
- Any government agency or official receiving this order shall not divulge information identifying the petitioner.
- Any government agency or official receiving this order shall respond to any inquiry as though the arrest or conviction did not occur.

Judge's signature may instead appear at the top of the first page of this document.

Date

Signature ► _____
Judge _____

Certificate of Service

I certify that I am serving a copy of this Order on Petition to Expunge Records on the prosecutor.

Person's Name	Service Method	Service Address	Service Date
(Prosecuting Attorney)	<input type="checkbox"/> Mail <input type="checkbox"/> Hand Delivery <input type="checkbox"/> E-filed <input type="checkbox"/> Email <input type="checkbox"/> Left at business (With person in charge or in receptacle for deliveries.)		

Date

Signature ► _____

Printed Name _____

EXPUNGEMENT AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: Todd Weiler

LONG TITLE

General Description:

This bill amends provisions related to the expungement of pleas in abeyance.

Highlighted Provisions:

This bill:

- ▶ requires a prosecutor to notify a victim of an expungement request for a charge dismissed in accordance with a plea in abeyance agreement;
- ▶ requires a court to make specific findings when granting an expungement for a plea in abeyance; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

77-38-14 as last amended by Laws of Utah 2010, Chapter 283

77-40-107 (Effective 05/01/20), as last amended by Laws of Utah 2019, Chapter 448

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **77-38-14** is amended to read:

77-38-14. Notice of expungement petition -- Victim's right to object.

29 (1) The Department of Corrections or the Juvenile Probation Department shall prepare
30 a document explaining the right of a victim or a victim's representative to object to a petition
31 for expungement under Section 77-40-107 or 78A-6-1105 and the procedures for obtaining
32 notice of any such petition. The department or division shall also provide each trial court a
33 copy of the document which has jurisdiction over delinquencies or criminal offenses subject to
34 expungement.

35 (2) The prosecuting attorney in any case leading to a conviction [~~or~~], a charge
36 dismissed in accordance with a plea in abeyance agreement, or an adjudication subject to
37 expungement shall provide a copy of the document to each person who would be entitled to
38 notice of a petition for expungement under Sections 77-40-107 and 78A-6-1105.

39 Section 2. Section 77-40-107 (Effective 05/01/20) is amended to read:

40 **77-40-107 (Effective 05/01/20). Petition for expungement -- Prosecutorial**
41 **responsibility -- Hearing -- Standard of proof -- Exception.**

42 (1) (a) The petitioner shall file a petition for expungement and the certificate of
43 eligibility in the court specified in Section 77-40-103 and deliver a copy of the petition and
44 certificate to the prosecuting agency.

45 (b) If the petitioner files the certificate of eligibility electronically, the petitioner or the
46 petitioner's attorney shall keep the original certificate until the proceedings are concluded.

47 (c) If the petitioner files the original certificate of eligibility with the petition, the clerk
48 of the court shall scan and return the original certificate to the petitioner or the petitioner's
49 attorney, who shall keep the original certificate until the proceedings are concluded.

50 (2) (a) Upon receipt of a petition for expungement of a conviction or a charge
51 dismissed in accordance with a plea in abeyance, the prosecuting attorney shall provide notice
52 of the expungement request by first-class mail to the victim at the most recent address of record
53 on file.

54 (b) The notice shall:

55 (i) include a copy of the petition, certificate of eligibility, statutes, and rules applicable

56 to the petition;

57 (ii) state that the victim has a right to object to the expungement; and

58 (iii) provide instructions for registering an objection with the court.

59 (3) The prosecuting attorney and the victim, if applicable, may respond to the petition
60 by filing a recommendation or objection with the court within 35 days after receipt of the
61 petition.

62 (4) (a) The court may request a written response to the petition from the Division of
63 Adult Probation and Parole within the Department of Corrections.

64 (b) If requested, the response prepared by the Division of Adult Probation and Parole
65 shall include:

66 (i) the reasons probation was terminated; and

67 (ii) certification that the petitioner has completed all requirements of sentencing and
68 probation or parole.

69 (c) The Division of Adult Probation and Parole shall provide a copy of the response to
70 the petitioner and the prosecuting attorney.

71 (5) The petitioner may respond in writing to any objections filed by the prosecutor or
72 the victim and the response prepared by the Division of Adult Probation and Parole within 14
73 days after receipt.

74 (6) (a) (i) If the court receives an objection concerning the petition from any party, the
75 court shall set a date for a hearing and notify the petitioner and the prosecuting attorney of the
76 date set for the hearing.

77 (ii) The prosecuting attorney shall notify the victim of the date set for the hearing.

78 (b) The petitioner, the prosecuting attorney, the victim, and any other individual who
79 has relevant information about the petitioner may testify at the hearing.

80 (c) The court shall review the petition, the certificate of eligibility, and any written
81 responses submitted regarding the petition.

82 (7) If no objection is received within 60 days from the date the petition for

83 expungement is filed with the court, the expungement may be granted without a hearing.

84 (8) The court shall issue an order of expungement if the court finds, by clear and
85 convincing evidence, that:

86 (a) the petition and certificate of eligibility are sufficient;

87 (b) the statutory requirements have been met;

88 (c) if the petitioner seeks expungement after a case is dismissed without prejudice or
89 without condition, the prosecutor provided written consent and has not filed and does not
90 intend to refile related charges;

91 (d) if the petitioner seeks expungement of drug possession offenses allowed under
92 Subsection 77-40-105(6), the petitioner is not illegally using controlled substances and is
93 successfully managing any substance addiction; ~~[and]~~

94 (e) if an objection is received, the petition for expungement is for a charge dismissed in
95 accordance with a plea in abeyance agreement, and the charge is an offense eligible to be used
96 for enhancement, there is good cause for the court to grant the expungement; and

97 ~~[(e)]~~ (f) it is not contrary to the interests of the public to grant the expungement.

98 (9) (a) If the court denies a petition described in Subsection (8)(c) because the
99 prosecutor intends to refile charges, the individual seeking expungement may again apply for a
100 certificate of eligibility if charges are not refiled within 180 days of the day on which the court
101 denies the petition.

102 (b) A prosecutor who opposes an expungement of a case dismissed without prejudice
103 or without condition shall have a good faith basis for the intention to refile the case.

104 (c) A court shall consider the number of times that good faith basis of intention to
105 refile by the prosecutor is presented to the court in making the court's determination to grant
106 the petition for expungement described in Subsection (8)(c).

107 (10) If the court grants a petition described in Subsection (8)(e), the court shall make
108 the court's findings in a written order.

109 ~~[(10)]~~ (11) A court may not expunge a conviction of an offense for which a certificate

110 of eligibility may not be or should not have been issued under Section [77-40-104](#) or [77-40-105](#).

111 Section 3. **Effective date.**

112 If approved by two-thirds of all the members elected to each house, this bill takes effect

113 on May 1, 2020.

Request for Civil Stalking Injunction

Case Number: _____ District: _____
County: _____ State: Utah
Judge: _____

Petitioner (person needing protection):

First Name Middle Last

The Respondent and I have the following minor Children:

Address and phone # (to keep private, leave blank):

Name

Age

Street

City --- State --- Zip

Phone #

Petitioner's attorney (if any): _____ Phone # _____

If you are under 16 years old, have you ever been married or emancipated by a court? [] Yes [] No

Respondent (person you need to be protected from):

First Name Middle Last

Other names used: _____

Address: _____

Street --- City --- State --- Zip

A judge can grant a stalking injunction **only** if the Respondent did any of the following towards you two or more times, in a manner that would cause a reasonable person to suffer emotional distress or to be afraid for the person's own safety or the safety of someone else:

- a. The Respondent directly, indirectly, or through someone else followed, monitored, observed, photographed, surveilled, threatened, communicated to you, or about you, or interfered with your property using any action, method, device, or means; or
- b. the Respondent engaged in or caused someone else to engage in any of the following acts:
 - i. approached or confronted you;
 - ii. appeared at your workplace or contacted your employer or co-workers;
 - iii. appeared at your home or contacted your neighbors or entered property owned, leased, or occupied by you;
 - iv. sent material to you by any means for the purpose of obtaining or disseminating information about

- you to a family member, household member, employer, co-worker, friend, or associate;
- v. placed an object on or delivered an object to property owned, leased, or occupied by you or to your place of employment with intent that the object be delivered to you; or
 - vi. used a computer, the Internet, text messaging, or any other electronic means.

For a complete definition of stalking, see Utah Code Sect 76-5-106.5 and 77-3a-101- 103.

Change to

For a complete definition of stalking, see Utah Code 76-5-106.5.

Note! In addition to your own statements in this *Request*, you must provide some other evidence of stalking, like police reports, sworn statements from witnesses, audio or video tapes, other records, photos, letters, etc.

3 Provide as much information as you can about the Respondent. If you don't know, write "unknown."

Respondent's Employer (*Name and address*): _____

Best place and time to find the Respondent: (*Place*): _____ (*Time*): _____

Other addresses (hangouts): _____

Describe the Respondent's vehicle: Make: _____ Year: _____ Color: _____ License Plates: _____

If more than one vehicle, describe here: Make: _____ Year: _____ Color: _____ License Plates: : _____

Has the Respondent used weapons or been violent in the past? Yes No Don't know

Is the Respondent a law enforcement officer, government investigator,
 or licensed private investigator? Yes No Don't know

4 Describe the stalking below:

a. When and where did the stalking events happen? (*Attach additional pages if necessary.*)

1st stalking event:

When: _____

Where: _____

2nd stalking event:

When: _____

Where: _____

Other stalking events: _____

When: _____

Where: _____

b. Who did you report the stalking to (if anyone)? _____

c. List names of all people who witnessed the stalking: _____

d. List any evidence you have of the stalking, like transcripts, audiotapes, police reports, photos, sworn statements from witnesses (affidavits), etc. You must attach at least one of these to this form.

e. Describe what the stalker did and why it would have made a reasonable person feel emotionally distressed, afraid of being physically harmed, or afraid that someone else would be physically harmed:

f. Other facts: _____

Check here if you need more space and attach additional sheets as needed.

5 Other Court Cases

a. Are there other Court orders to the Respondent about stalking? Yes No

(If Yes, fill out below and attach a copy of the court order.)

b. Have you or the Respondent ever been involved in any other court case involving either of you?

Yes No (If yes, list ALL court cases below):

Type of Case	County and State	Court Case # (NOT the police report #)	Person involved	Did the judge make an order?
			<input type="checkbox"/> You <input type="checkbox"/> Respondent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> You <input type="checkbox"/> Respondent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> You <input type="checkbox"/> Respondent	<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> You <input type="checkbox"/> Respondent	<input type="checkbox"/> Yes <input type="checkbox"/> No

I am asking the Court to make the orders I have checked below.

6 Personal Conduct

Order the Respondent not to stalk me.

7 No Contact

Order the Respondent not to contact or communicate with me or any person listed below, either directly or indirectly, by phone, text, mail, email, or any other way:

Name	Relationship to Petitioner	Address

8 Stay Away

Order the Respondent to stay away from:

a. My current or future: Vehicle Job School Home, premises and property (My current addresses are listed below):

Home address: _____

Work address: _____

School address: _____

Describe vehicle: _____

b. Other (specify): _____

9 Child Custody & Parent-Time Orders

Give me custody of the minor children listed here _____

Give the Respondent parent-time as follows _____

Name someone who can communicate parent-time information to the Respondent: _____

10 [] **Other Assistance Needed** (List below any other orders needed to protect you and the other protected people listed on page 1 of this form): _____

The Petitioner must read and sign below:

I swear that:

- I am the Petitioner and I have read this *Request for Civil Stalking Injunction*,
- I am a victim of stalking and I believe the Respondent is the stalker, and
- I live in this county or the Respondent lives in this county, or the stalking took place in this county.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Date
Signature ► _____
Printed Name _____

If the Petitioner is a minor, then a parent or guardian must sign below.

I swear that:

- I am Petitioner's parent or guardian and I have read this *Request for Civil Stalking Injunction*,
- Petitioner is a victim of stalking and I believe the Respondent is the stalker, and
- The Petitioner lives in this county or the Respondent lives in this county, or the stalking took place in this county.

I declare under criminal penalty under the law of Utah that everything stated in this document is true.

Signed at _____ (city, and state or country).

Parent or
Guardian's
Signature ► _____

Date

Parent or Guardian's Printed Name _____

Temporary Civil Stalking Injunction

Ex Parte Order

Case Number: _____ District: _____
County: _____ State: Utah
Judge: _____

Petitioner (person who asked for the stalking injunction):

First Name *Middle* *Last*

Other people protected by this order:

Address and phone # (to keep private, leave blank):

Name **Age** **Relationship to
Petitioner**

Street

City --- State --- Zip

Phone #

Petitioner's attorney (if any): _____ Phone # _____

Respondent

(person who must obey this stalking injunction):

Describe Respondent

Sex **Race** **Date of Birth** **Height** **Weight**

First Name *Middle* *Last*

Other Names Used

Eye Color **Hair Color** **Social Security Number
(last four digits only)**

Address

Distinguishing features (like scars, tattoos, limp, etc.)

Street

City --- State --- Zip

Driver's license issued by
(State): _____ Expires _____

Warning! [] Weapon involved (Box to be initialed by Court, if applicable)

Findings: The Court has reviewed the Petitioner's *Request for Stalking Injunction*, and finds that:

- The Court has jurisdiction over the parties and this case,
- There is reason to believe stalking has occurred, and
- The Respondent is the stalker.
- The Respondent has the right to a hearing, if they ask for it.

(Utah Code Sect 76-5-106.5, Sect 77-3a-101.)

To: (Respondent's name): _____

Obey all orders initialed by the judge.

Violation of these orders is a criminal Class A Misdemeanor, punishable by up to one year in jail and a fine. A second or subsequent violation can result in more severe penalties.

1 Personal Conduct Order

Do not stalk the Petitioner. This means that you must not do things such as follow, threaten, annoy, or harass the Petitioner in a way that would cause a reasonable person to suffer emotional distress or to be afraid for the person's safety or the safety of another person. For a legal definition of stalking, see **Utah Code sections 76-5-106.5 and 77-3a-101.**

2 No Contact Order

Do not contact, phone, text, mail, e-mail, or communicate in any way with the Petitioner and any person listed on page 1 of this order as well as any person listed below, either directly or indirectly.

Other people you must not contact: _____

3 Stay Away Order

Stay away from:

a. The Petitioner's current or future: Vehicle Job School Home, premises and property (*list current addresses below*)

Home address: _____

Work address: _____

School address: _____

Describe vehicle: _____

b. Other (*specify*): _____

4 Child Custody & Parent-time Orders

The Petitioner will have temporary custody of the minor children listed below. If you do not obey the custody and parent-time orders listed here, the Petitioner may ask for the court's help (such as an order to show cause for contempt):

You will have parent-time as follows: _____

You can only communicate with the Petitioner about parent-time through the following person:

The custody and parent-time orders are effective until modified by this court or superseded by another court order.

5 [] **Other Orders** (*List below*): _____

Warnings to the Respondent:

- Attention: This is an official court order. **No one except the court can change it.** If you disobey this order, the court may find you in contempt. You may also be arrested and prosecuted for the crime of stalking and any other crime you may have committed in disobeying this order. **(Note to committee: See Utah Code 78B-7-105(7)(b) (line 1519))**
- **No one except the court can change this order.**
- If you do not agree with this order, you can ask for a hearing to tell your side. Your request must be in writing, and must be filed at the court listed below within 10 days of the date you were served with this order. If you do not ask for a hearing within 10 days, this order will last for 3 years after it is served. You can still ask for a hearing after 10 days, but then you must persuade the court that the injunction is not needed.
- Court address to ask for a hearing: _____
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state territory or tribal land to violate this order, a federal judge can send you to prison.

It may be a federal crime for you to have, possess, transport, ship, or receive any firearm or ammunition, including hunting weapons, while this civil stalking injunction is in effect.

Date: _____ Time: _____ [] a.m. [] p.m. _____

Judge (*printed name*) _____

Disability and Interpreter Services

Assistive listening systems, sign language and oral language interpreter services are available at no charge in stalking proceedings. Contact the clerk's office at least 5 days before your hearing.

Civil Stalking Injunction

Case Number: _____ District: _____

County: _____ State: Utah

Judge: _____

Petitioner (person who asked for the stalking injunction):

First Name *Middle* *Last*

Other people protected by this order:

Address and phone # (to keep private, leave blank):

Name **Age** **Relationship to
Petitioner**

Street

City --- State --- Zip

Phone #

Petitioner's attorney (if any): _____ Phone # _____
Name

Respondent

(person who must obey this stalking injunction):

Describe Respondent

Sex **Race** **Date of Birth** **Height** **Weight**

First Name *Middle* *Last*

Other Names Used _____

Eye Color **Hair Color** **Social Security Number
(last four digits only)**

Address

Distinguishing features (like scars, tattoos, limp, etc.)

Street

City --- State --- Zip

Driver's license issued by
(State): _____ Expires _____

Warning! Weapon involved (Box to be initialed by Court, if applicable)

There was a hearing on (date): _____. The Respondent was given notice and an opportunity to be heard in the hearing that gave rise to this order. The following people were present at the hearing:

Petitioner Petitioner's attorney (name): _____
 Respondent Respondent's attorney (name): _____
 Other (name) _____

The Court reviewed the *Request for Civil Stalking Injunction* and: received argument and evidence, accepted the stipulation of the parties, entered the default of the Respondent for failure to appear, other: _____, and finds that there is reason to believe that stalking has occurred and that the Respondent is the stalker. (~~Utah Code Sect 77-3a-104~~ Utah Code 76-5-106.5)

~~Violence Against Women Act of 1994, 18 U.S.C. Sect 2265, 2262, 18 U.S.C. Sect 922(g)(8)~~

Can this come out?

The Respondent must obey all orders initialed by the judicial officer. These orders replace any previous temporary stalking injunction in this case. Violation of these orders is a criminal Class A Misdemeanor, punishable by up to one year in jail and a fine. A second or subsequent violation can result in more severe penalties.

1 **Personal Conduct Order**

Do not stalk the Petitioner. This means you must not follow, threaten, annoy, harass, or cause distress to the Petitioner. **For a legal definition of stalking, see Utah Code, sections 76-5-106.5 and 77-3a-104.**

2 **No Contact Order**

Do not contact, phone, text, mail, e-mail, or communicate either directly or indirectly in any way with the Petitioner and any person listed on page 1 of this order and any person listed below.

Other people you must not contact: _____

3 **Stay Away Order**

Stay away from:

a. The Petitioner's current or future: Vehicle Job School Home, premises and property (list current addresses below)

Home address: _____

Work address: _____

School address: _____

Describe vehicle: _____

b. Other (specify): _____

4 **Child Custody & Parent-time Orders**

The Petitioner will have temporary custody of the minor children listed below. If you do not obey the custody and parent-time orders listed here, the Petitioner may ask for the court's help (such as an order to show cause for contempt):

You will have parent-time as follows: _____

You can only communicate with the Petitioner about parent-time through the following person:

The custody and parent-time orders are effective until modified by this court or superseded by another court order.

5 [] **Other Orders:** _____

Warnings to the Respondent:

- Attention: This is an official court order. **No one except the court can change it.** If you disobey this order, the court may find you in contempt. You may also be arrested and prosecuted for the crime of stalking and any other crime you may have committed in disobeying this order. **(Note to committee: See 78B-7-105(7)(b) (line 1519) – does not have that second sentence)**
- **No one except the court can change this order.**
- This order is valid in all U.S. states and territories, the District of Columbia, and tribal lands. If you go to another U.S. state, territory or tribal land to violate this order, a federal judge can send you to prison.
- It may be a federal crime for you to have, possess, transport, ship, or receive any firearm or ammunition, including hunting weapons, while this civil stalking injunction is in effect.

This order expires in three years on: _____
Month Day Year

Date: _____

Judge (printed name) _____

Respondent's Waiver of Notice

I received a copy of this Civil Stalking Injunction, and waive my right to be personally served with the order.

Respondent's Address

Street

City

State

Zip

Respondent's Signature: _____